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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



CHRONICLE

On 21 July, opposition-organised actions connected with the end of Lukashenka's original presidential mandate took place in Belarus. Mass fete was conducted in Minsk to mark the end of Alexander Lukashenka's five-year presidency in Kastrychnitskaya Square. Arrests and detentions of festive participants began after it was over. «People wearing civil clothes» were mainly engaged in the process of detentions. A lot of accidental passers-by, who were merely passing through the square were detained.

On 21 July, in Pinsk (Brest region) seventeen people made a symbolic act. They came out to the square in front of the City Executive Committee building with brooms and began sweeping asphalt. They wanted to show by means of this act that the power in Belarus should be changed. All of them were detained.

On 21 July, about two thousand people gathered in Grodna to mark the end of Alexander Lukashenka's original mandate. Leaders of the City Council of the BPF «Adradzhennie» S.Malchyk, A.Astrowski, K.Zhyn' as well as M.Voran, Ya.Lilevich and editor-in-chief of the newspaper «Pagonya» were detained after celebration. All the detained were given subpoenas.

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An editorial board of the bulletin "The Right to Freedom" would like to offer apologise to its reader. The point is this issue was ready to be published two and a half months ago but it failed. It comes out with the delay as the whole equipment of the Human Rights Centre "Viasna-96" was illegally confiscated in early October. We hope in the future there won't be such unexpected circumstances or at least we'll try to avoid them and our readers won't suffer from it.

FOR INDEPENDENCE...

The day of the 27th of July is very much hateful for already former legitimate Belarusan president A.Lukashenka and for his assistants. He made everything possible to cross out it from the people's memory. Two years ago he signed a decree which can easily compete with every other «document» signed by him. In compliance with this decree the Independence Day was changed. It was transferred from July 27 – when in 1991 the Supreme Soviet passed the Declaration of Independence – to July 3 – when the Soviet troops liberated Minsk from the German-fascist invaders. The third year in succession Lukashenka together with

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Opposition had a holiday, special militia troops had a working day...

On 21 July lots of Belarusan citizens who participated in public festive «President's sending-off» were detained in the down town of Minsk

Five year term of A.Lukashenka's presidential office expired on the 20th of July this year. According to the Belarusan Constitution, adopted in 1994, beginning from July 21 A.Lukashenka becomes illegitimate president. Opposition leaders organised mass fete on July 21 to mark this date. Mass fete – «President's sending-off» – was held in Kastrychnitskaya Square (in front of presidential residency).

The authorities in their own way were preparing for expiry date of presidential office. Pavel Seviarynets, chairman of «Young Front» (Malady Front), was called to Savetski district's prosecution office for an interview. Acting prosecutor Mr. Tselyanovich proposed him to bind himself not to participate in actions being prepared by opposition leaders. Pavel Seviarynets turned down this «proposal» and for this reason he was officially warned by acting prosecutor. The warning said: «As we have been informed, you are preparing to commit illegal deeds which would break the Criminal Code of the Republic of Belarus. Therefore we officially warn you about responsibility you may bear for deeds mentioned above.» There is no need to comment on this document... Just to remind that Pavel Seviarynets spent two months behind bars in 1997 on a charge of malicious hooliganism. Then he took part in the action held by opposition. The case instituted against him in 1997 was closed. But on the eve of the «Lukashenka's sending-off» the city authorities again recalled the leader of the «Young Front».

The celebration began in Kastrychnitskaya Square of the Belarusan capital. Then participants of the fetes made for Independence Square (where the Belarusan government's building is located) and for K.Marx Street (where the sitting of the 13th Supreme Soviet took place). It was expected that Syamion Sharetski (speaker of the 13th Supreme Soviet) would take up the duties of president of the Republic of Belarus. But it was not happened and people turned to Kastrychnitskaya Square where the public fete went on.

Mass detentions of the fete participants began in the evening of that very day. Men wearing civilian clothes detained people who were going home and brought them to the Administrations of Internal Affairs' departments. A lot of people were beaten, offended and humiliated, put on handcuffs and kept in militia departments up to midnight and were not allowed to phone home.

Aleg Vouchak – former investigator of the prosecutor's office, veteran of the Afghanistan war , chairman of the public organisation «Legal Assistance to the Population», and Syargei Kachanowski – senior lecture at the Belarusan Polytechnic Academy, were brutally beaten. Among detained people were as usual a lot of accidental ones who didn't take hand in peoples fete (for instance Yawgen Iulew – an architect). Lots of minors were also detained. Near metro station «Kastrychnitskaya» militiamen encircled seven young boys and girls inhabitants of Mar'ina Gorka and settlement Druzhny (Minsk oblast). Zmitser Vaskovich was struck by truncheon while detained. The detained were brought to the Central Administration of Internal Affairs where they were kept until midnight. Minors were released. But Stsyapan Kulchanka, who had been already eighteen, was given subpoena.

Trials began on July 22 in the morning. Judge Anatol Barysionak considered all the cases in the Minsk Central court. Representatives of «Viasna-96» Valyantsin Stefanovich and Uladzimir Padgol were public defenders on the trials. Only militiamen were called witnesses.

The cases of Anatol Grykhutsik (engineer of the enterprise dealing with international communication), Yan Gryb (retired), Syargey Kachanowski (senior lecture), Natallya Kachanowskaya (lecture of the English language), Viktar Belaskow, Mikola Zan'ka (human rights activist from Gantsavichy), Ivan Suntsow (engineer-technologist at MAZ enterprise, citizen of Rus-sian Federation) were considered in the Minsk Central court.

All the detained testified that they sang Belarusan folk songs and congratulated each other upon the expiry term of Lukashenka's origina presidential mandate. Militiamen confirmed the same. Judge A.Barysionak warned everybody, who stood trial that day in the Minsk Central court.

When the case of Anatol Grykhutsik was under consideration it turned out that photos of another man were used to make his guilty evident. But in spite of that (militiamen who witnessed) tried to prove the opposite as if in the court room and on the pictures was the same person. Nevertheless public defenders refuted false testimonies.

Representatives of the Human Rights Centre «Viasna-96» Barys Cyunter and Andrei Yurevich were not allowed to get in the building of the Minsk Maskowski district's Administration of Internal Affairs, where the trial should have taken place. Among people who supposedly had to stay trial were Syargei Salash («Young Front» member, Barysaw inhabitant), Alyaksei Simanenka, Syargei Abramovich, Syargei Kalinin, Anatol Askerka (BPF member), Aleg Vouchak, Alyaksei Lapitski (Zhodzina), Pavel Znavets (deputy of the 13th Supreme Soviet), Leanid Sevasts'yanchyk and Barys Muski. But court hearings were put off till July 26.

Again 15 days

On the 22th of July Valery Shchukin prominent human rights defender and the deputy of the Supreme Soviet of the 13th convocation was taken in charge in the building of the court of the Minsk Leninski district. The trial over the entrepreneur and the deputy of the Supreme Soviet of the 13th convocation Andrey Klimaw started here. Andrey Klimaw has been in custody since February 1998.

Valery Shchukin came to the trial as a journalist. But all of a sudden a problem appeared – all representatives of mass media entered the courtroom except for Valery Shchukin who wasn't allowed to come in. The militiamen said in so many words that they were ordered not to let Valery Shchukin in. Mr. Shchukin asked them to show him the law where it was written, that «Valery Shchukin can't be present at trial». The police sergeant Vyachaslau Furs answered: «I am the law». This is recorded on the journalist's Dictaphone. (Valery Shchukin's Dictaphone was turned on from the very beginning of the conflict). Valery Shchukin was asking for explanations until the lieutenant colonel didn't give an order to arrest him according to the article 156 of the Criminal Code of the Republic of Belarus – small hooliganism. While carrying out the order of their chief the militiamen pushed Hans Georg Wieck the head of the OSCE Advisory and Monitoring Group in Belarus.

Valery Shchukin was pulled downstairs to the militia car. The deputy of the Supreme Soviet of the 13th convocation Anatol Lyabedzka tried to defend V.Shchukin – and as a result the militiamen tore his shirt. Valery Shchukin was taken to the police department on Karl Marx Street. The trial on Valery Schukin took place in 2 a.m. The witnesses (militiamen Vyachaslau Furs and Mikalai Shashok) confessed that Valery Shchukin was swearing and fighting in the court building. There was no proof of swearing on the Dictaphone record but nevertheless judge D.Zhdanok sentenced Valery Shchukin to administrative punishment – 15 days in detention.

For Independence...

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his «vertical line» celebrates his Independence Day. On July 27 Belarusan opposition comes out to celebrate the real Independence Day. Hunt for the peace inhabitants, arrests, detentions, handcuffs are the permanent attributes of this celebration.

It was so year before last, it was so last year, and it has been so this year...

At first the Minsk City Executive Committee instead of taking into consideration the request of initiators to hold a meeting banned its conducting in the centre of the city and wilfully transferred it to the Bangalor Square which is of little use for this purpose. And then when demonstrators still turned to the centre of the city militia men appeared and blocked their way. When demonstration participants tried to break through the militia cordon the truncheon blows began to fall on their heads. Detentions began after it. More than 40 people were arrested and detained that evening including the members of the BPF women chorus. These are the women over 50 years... As always a lot of minors were also detained. Isolation ward in Akrestsin Street was overcrowded.

Five years in Belarus A.Lukashenka has been fighting against everything Belarusan and against Belarusans themselves. On his command five years long people have been arrested, beaten, severely punished and many of them are currently being behind bars. Nevertheless as they say he won't intimidate people from the demonstration rows for they value democracy and country's independence and are ready to die for it.

Andrei NALIVA



Arrest... Warning... Fine.

Belarusan judges put the punishment of the people detained after opposition-organised actions on the conveyor

On July 28, 1999 in the Court of the Minsk Soviet District the hearings of the cases of the unsanctioned meeting participants were held. The meeting took place on July 27 to celebrate the Independence Day.

Four judges considered the cases of 15 people, who spent the whole night in the detention centre. The majority were brought to book in accordance with art. 167.1 (part 1) of the Administrative Code of the Republic of Belarus.

Mikalai Statkevitch (the head of the Belarusan Social Democratic Party "Narodnaya Gramada", the organiser of the meeting on July 27) was taken to court according to art. 167.1 (part 2) (organisation of unauthorised procession) of the Administrative Code. Judge I.Sheika sentenced him to 10 days of the administrative arrest. Uladzimir Kuntzevitch was fined 20 million roubles ($ 45). The cases of Yaugen Kulick (a famous Belarusan artist), Syarzhuk Shmyaliow, Andrei Kastyukevich were put off till July 29, as they applied to have lawyers.

There were 9 women among the detained people, most of them of nature age – pensioners. The judge Alyaksei Tamashow didn't satisfy applications to take part in the trials of the public defenders of the Human Right Centre "Viasna-96", Valyantin Stefanovich and Ales Byalatsky. He made the following judgements; Alena Salawyova – warning, Galina Myadzvedzeva – warning, Vera Tserlyukevich – warning. The judge M.A.Fiodarava brought warnings to Mariya Ignatovich, Lyubow Sakalowskaya and Svyatlana Mamis. The judge Andrei Gancharyk fined all the defendants with 20 million roubles each. Among them: Leta Ustsinovich (a pensioner), Alesya Manahava, Alexander Karalyow, Vera Tsitsyankova.

The case of Yawgen Asinski charged with putting up resistance to the militiamen wasn't heard at that day. He was in the detention centre.

The Prosecutor's office got interested in "Imya"

A criminal case was instituted against the newspaper "Imya" in accordance with art. 128 of the Criminal Code of the Republic of Belarus for libel on the Prosecutor General of Belarus, Aleg Bazhelka.

On July 22, the editor's office of the newspaper "Imya" was visited by the Prosecutor's office investigators who had search warrant filed by the Prosecutor's office of the Minsk Kastrichnitsky District. The purpose of the search was "to find and to confiscate the documents bearing libel and other information".

The reason of bringing a criminal action was the publications in the newspaper dealt with the case of a businessman, Victar Lagvinets, arrested lately. There it was said about his close relationship with the Prosecutor General of Belarus. The article published in the newspaper said that the KGB handed over materials concerning law violations by V.Lagvinets to the Prosecutor's office and the General Prosecutor hold back these materials.

During the search in the "Imya" editor's office 7 floppy-disks, 1 video- and 3 audio cassettes, two columns of the newspaper were confiscated.

By the way, the chief editor, Iryna Khalip was detained on July 21 during the celebrations dedicated to the end of A.Lukashenka's five-year presidency. She was taken to the district's detention centre. In the evening of July 22, the apartment of Iryna Khalip was searched and floppy disks with the hardware of her computer were confiscated. Her passport and tickets to the USA (she had to go to the USA to take part in a seminar) were also taken. She received a summons to the Prosecutor's office where she was given back the passport and the tickets.

So, the General Prosecutor let the chief editor of the newspaper "Imya" go to the USA to the seminar but after she returns she has to come to the Prosecutor's office again.

They don't plead guilty

Trials over Andrey Klimaw and Vasil Lyavonaw began in Minsk. Each of them was kept behind bars in pre-trial detention for year and a half

Minsk Leninski district court and the Supreme Court of the Republic of Belarus are located in the same building on Leninskaya Street. Two different entries today lead to the alike processes, which are currently held behind different doors.

Andrey Klimaw, a businessman and deputy of the 13th Supreme Soviet is being charged in Minsk Leninski district court. Vasil Lyavonaw, former Minister of Agriculture, in the Supreme Court of the Republic of Belarus. Each of them was kept behind bars more than a year and a half in pre-trial detention. Not only Vasil Lyavonaw and Andrey Klimaw's fame unites these two men. First, both of them were striving to reforms and for independence in carrying on management. And it is not accident that their names are associated with changes in national economy. Second, an active public stand unites both the parliamentarian and a member of the government. During one of the conferences in summer 1996 Vasil Lyavonaw spoke out against Lukashenka's initiative to hold a popular vote, which must have provided A.Lukashenka with «tsar's» powers. Andrey Klimaw who was a deputy of the Supreme Soviet of the 13th convocation and didn't have a status of a minister resisted more strictly to lawlessness and lies in the Republic. He retained in memory of deputies present at the sittings of the Supreme Soviet in November 1996 by his ardent speeches. After 1996 popular vote Andrey Klimaw didn't become a deputy of Lukashenka's National Assembly. It was said then that businessman's strict position can be pregnant with consequences for him. They also said that Andrey Klimaw was going to leave the country together with his business projects. But time refuted these rumours...

There is one more thing that links the cases of V.Lyavonaw and A.Klimaw. It is a formulation of an accusatory resolution. Both the accused are incriminated large scale embezzlement (art. 91 of the Criminal Code of the Republic of Belarus). In this respect there is a joke in Belarus saying that the article 91 in Belarus is an analogue of the article 58 in the Soviet Union at the times of Stalin's ruling. V.Lyavonaw and Andrey Klimaw are far not the first people who are accused for breaking the article 91. On this score in Belarus possible breakers of the article 91 are considered to be personal enemies of A.Lukashenka.

It is getting absolutely clear why these trials are called by press not only loud but political ones.

Andrey Klimaw's case

Andrey Klimaw was arrested on 11 February 1998. Court hearings began only on 22 July 1999. Several times Andrey Klimaw went on hunger-strike to show the protest against illegal detention and arrest. And there were legal grounds for the protest according to Belarusan law. First of all it was deputy's immunity. According to the law a member of the parliament can be arrested only at the scene of committing a crime. Otherwise the arrest can be sanctioned only by the Supreme Soviet if it finds strong reasons to do this. The 13th Supreme Soviet not only refused to sanction A.Klimaw's detention but repeatedly demanded Lukashenka to set A.Klimaw

Help!

To the chancellor of the federation of the Federal Republic of Germany. To Mr. SCHRODER.

Dear Mr. Schroder!

Great misfortune forced us to appeal to you. Our father Vasil Lavonov has been kept in prison for two years now. During the presidency of Lukashenka he had been working in Mikail Shichir government as the minister of agriculture for two years. In autumn 1996 our father refused to participate in the propaganda for the referendum and in falsification of its results designed to establish the dictatorship of Lukashenka. Now he is paying for this. Lukashenka put our father in prison and started to systematically accuse him of severe crimes in all mass media before the trial and before the beginning of the investigation.

Our father is an enemy for the president of Belarus also because he wanted to reform the agriculture of Belarus to German way. It means that he wanted to release the villages from the dictatorship of the state and to introduce market relations in the villages. Our father has borrowed the models of agricultural reform from Germany where he worked for 2,5 years. The paradox of the situation lies in the fact that it was our father who persuaded Lukashenka that relations with Germany should be a priority for Belarus in Western Europe. Our father worked out the system of education of the agricultural enterprise managers and managed to partially fulfill it. Several hundreds managers studied in the federal state Brandenburg. Vasil Lavonov also started organizing joint manufacturing of agricultural machines with KLAAS-company, but the program has stagnated after the arrest. Our father made great efforts to purchase a number of German technological lines, and also made efforts to produce and keep agricultural products.

Now our father is systematically tormented by moral pressure and by the deprivation of medical aid. Our father is very ill. He underwent irradiation in the radioactive zones after the Chernobyl disaster and now he is constantly ill. The UN knows the fact that our father was subjected to tortures. In Belarus it is well known that that the president Lukashenka considers the relations with Germany as very promising. Lukashenka hopes to use Germany as an "ambulance" for his regime. Repression against our father are not the only fact. The 75-years old Staravojtov who created an effective company of Western European type is in prison. Also in prison are Michail Shichir, deputy of the Supreme Soviet Klimov and Kudinov.

Mister Schroder!

To work in Germany our father specially learned the German language and worked in Germany without a translator. He loved Germany, its culture, and German hardworking people.

We ask you to use all possible levers of influence to stop the torturing of our father. We ask you to influence Lukashenka to protect the Human Rights concerning our father. Towards Vasil Lavonov dozens of articles of Belarussian legislation are systematically being violated.

Servants of Lukashenka are so afraid of glasnost towards the violation of the laws in the case of our father, that the ambassadors of your country and the head of the OBSE in Belarus, Mr. Vick and Mr. Kleiner have never been admitted to our father.

We are very afraid to loose our father as a result of prison repression. Please, help!

Daughters of Vasil Lavonov:
Svetlana ULASAVA
Zoja ISTOMINA
Tatjana BAKO

free. But the executive branch of power in Belarus did not ever pay attention to such formalities. What immunity, they say, could be! There is no parliament but National Assembly.

During numerous interrogations Andrey Klimaw refused to answer investigator's questions motivating it by lawlessness of his putting and keeping in custody. As far as A.Klimaw's accusation is concerned soon after detention he was also accused of breaking article 151 of the Criminal Code of the Republic of Belarus – breaching an order of conducting business activities. An independent inquiry into Andrey Klimaw's case says that the breach "was linked with a construction of a building carried out by A.Klimaw's enterprise, which was ordered by the Minsk City Executive Committee." It was the Minsk City Executive Committee that bore a relation to a mess connected with workers' wages. A.Klimaw blamed city authorities of that and of not fulfilling some points of agreement. When the money for work done by A.Klimaw's enterprise was transferred to the firm's account it turned out that the sum was much less than agreed and filled with indignation A.Klimaw sent money back. After this incident accusations appeared.

Right before his arrest A.Klimaw proved to be very active deputy of the 13th Supreme Soviet. He wrote and multiplied copies of a letter-appeal to different rank managers. He reminded them about illegitimacy of the last popular vote, which was carried out by A.Lukashenka in 1996. A.Klimaw was arrested right after he had sent first copies of that letter to the addressees.

Repeated applications of A.Klimaw's lawyer to change measures of suppression of his client failed.

As a result after one year and a half (inquiry process lasted) Andrey Klimaw was accused of breaking the following articles: art.91 (p.4) – large scale embezzlement, art.151 (p.2) – breaching the order of conducting business activities, art.171 – office forgery, art.150.2 – illegal receiving of a credit.

One can be sentenced according to the first of aforementioned articles from 6 up to 15 years of imprisonment.

Eight more workers of A.Klimaw's building firm stood trial on 22 July. But only 60 year old Leanid Valkovich was kept in custody. Before trial the accused asked the judge to satisfy petitions. Particularly, Andrey Klimaw asked the judge that well-known barrister Gary Paganyaila to stand him up for. But judge Vera Tupic refused to comply with Klimaw's request. A.Klimaw's mother was let to be public defender of her soon during the trial. A.Klimaw reminded the court that being a deputy of the legitimate Supreme Soviet he had a deputy's immunity and people guilty of breaking the Constitution including the judges and the prosecutors trying to charge him sooner or later would be answerable for everything they had done. In response to the question about his actual working place A.Klimaw answered that it was Supreme Soviet's commission on investigation of A.Lukashenka offences. A.Klimaw and L.Valkovich asked the court to give them one month extra to become familiar with papers of criminal case which consists of some tens of volumes.

A.Klimaw's lawyers applied to court to change measures of suppression of their client and let him to go to hospital because of his bad health state. Special application was submitted by Supreme Soviet deputies to the court asking it to let Anatol Lyabedzka to be public defender during the trial. But prosecutor Radkevich sharply responded to this. She called the 13th Supreme Soviet an institution with not clear powers. Such an appraisal caused Viktar Ganchar's protest, acting chairman of the 13th Supreme Soviet, who was present at courtroom. Viktar Ganchar was moved away from the court room for that. And this was not only incident with A.Klimaw's colleges. Another deputy of the Supreme Soviet Valery Shchukin, journalist by profession, was literally taken away from the building by militiamen right before the first court sitting.

Judge V.Tupick believes that A.Klimaw can not be set free before trial on his written pledge not to flee from the prosecution. She said that A.Klimaw is accused of breaking such articles, which stipulate all the same criminal liability and according to the Criminal Code he will be imprisoned anyway.

While the trial was conducting Belarusan Helsinki Committee together with the OSCE Advisory and Monitoring Group in Belarus got interested in conditions of A.Klimaw's keeping in custody centre. Independent press reported that during first five days of court hearings they neither fed A.Klimaw nor let him go to walk. Thanks to human rights activists this problem was solved. But human rights activists are not able to help the rest who are currently kept behind bars. Such are the realities of the Belarusan punitive system.

A.Klimaw pleads not guilty.

Vasil Lyavonaw's case

Minster of Agriculture Vasil Lyavonaw was arrested right in his own study on 11 November 1997. The process of V.Lyavonaw's detention was shown on Belarusan TV. It is very interesting because an accusation was presented to V.Lyavonaw only on 4 December – almost in a month after arrest. Court hearings began on 17 August 1999. Investigators seemed to have had enough time to look into the case. Ex-minister of Agriculture is charged with already known for us offences: large scale embezzlement (art.91 of the Criminal Code of the Republic of Belarus) and bribe-taking (art.169). Furthermore, bill of indictment says that V.Lyavonaw created "an organised criminal group". His assistants were Vasil Staravoitaw – chairman of the joint stock venture "Rassvet" who has been accused this spring – and deputy chairman of collective farm "Rassvet" Alexander Yawstrataw. It turns out that the administration of "Rassvet" during several years brought to Minsk tens kilograms of meat, tomatoes and fruits. And V.Lyavonaw had it everything as bribe including empty jars.

It appears that A.Lukashenka envies to V.Lyavonaw as well as to V.Staravoitaw. As long as some years ago A.Lukashenka used to say that V.Lyavonaw had been a teacher of him. Whereas V.Lyavonaw was at the head of the Magilew oblast Committee of the Communist Party future president was simply a moderate director of sovkhoz in Magilew district. Alexander Lukashenka visited the secretary of the Region Executive Committee quite often. After becoming president Lukashenka remembered his old chief and proposed him the position of a minister. Vasil Lyavonaw agreed, but under the condition that there will be no obstacles to the reforming of the agricultural sphere. V. Lyavonaw's daughter Svyatlana Ulasava told the journalists about this.

The new minister had very good ideas about the way the agriculture should be organised since he was a trade representative of Belarus in Germany where he could see the example of well-organised agriculture for a couple of years. That is why his main target was farming and bigger independence of the collective farms. By the way, I think that the authorities of the country should say V Lyavonaw and former Prime Minister M. Chygir big thanks for the connections with Germany. These people, not their accusers, fastened the connections with this country.

After V. Lyavonaw was minister for 3 months Lukashenka started to threaten him with prison for showing too much of independence. Then Vasil Sevastsiyanavich did not support the idea of referendum 1996. According to V. Lyavonaw after this the work of the ministry started to be checked from different institutions. In spring 1997 the chairman of the Security Council V.Sheiman accused V. Lyavonaw of attempting to poison all the cattle in the country. This smells like the Stalin cases of sabotage. During the arrest militiaman recorded piles of currency on the table of the minister (though Lyavonaw says that he received this money personally from Lukashenka, and that there is a signature in the financial documents). It is not an accident that there is no protocol of the confiscation of this currency in the materials of this case. It means that the authorities just needed a picture of the «stolen goods»...

V. Lyavonaw and his relatives are sure that the president controls this case from the very beginning. Maybe there already is a sentence. We will remind you that in November 1997, a long time before the trial and the official accusations, Lukashenka accused Lyavonaw of participation in the murder of Mikalutski. This version was

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They don't plead guilty

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not proved but the accusation of illegal possession of a gun still remai-ned. Lyavonaw claims that militiamen placed surreptitiously the bullets for the Kalashnikov machine gun.

Vasil Lyavonaw had several heart attacks and other severe illnesses during his stay in prison, but the authorities refused to release him from the prison, not even on written pledge not leave the country. We should mention that like A. Klimaw the former minister has a very strong will. He said that he has no hope for a just trial until the power in the country will be changed, that is why he is ready to tell all the truth in the trial in order to rehabilitate himself and for history. We may say, taking this into consideration, that in spite of the big amount of witnesses on this process the accused is the main witness.

For example, they accuse Lyavonaw of lobbying the interests of Rust Invest Company, the supplier of grain. But something quite different could be concluded from the statements of the ex-minister. "Rust" received the tender for supplying grain in Belarus because it managed to offer the lowest prices. By this they managed to break the price monopoly. Suddenly the Ukrainian partners of "Rust" started delaying the shipment of grains and requesting for different rules of the game, payment in advance etc. Lyavonaw managed to find out that the Ukrainians not only acted in accordance with the directions of their bosses but were also guided by the information that the receivers of the product would soon be under investigation or that their business will collapse. Nowadays Lyavonaw is quite sure that deliveries were stopped by people from Belarus and that we should look for them first of all in the Security Council and also in the Presidential State Control Committee.

"Well-wishers" from the highest circles also appear in moments connected to fuel problems. Having been ordered by the president of the country to find fuel for collective farms as soon as possible, Lyavonaw found a way out of this situation through a complicated deal with Navapolatsk industrial amalgamation "Naftan" There was no money, so the solution was a fuel credit to "Naftan". But when the system started working the shipment of fuel was stopped by some-one's order. Lyavonaw had to sign a guarantee paper, new participants appeared in the deal and in a few months the minister was accused on grounds of this paper...

The former minister also disproved that he had ever received agricultural products from the stocks of "Rassvet". Having admitted that he had received presents from Staravoitaw several times, Lyavonaw said that he later insisted that it should not happen again. The daughter of the accused, as he said, has a green house and a small farm of her own, that is why they have enough vegetables and meat for the whole family. As for the accusations of receiving free furniture from Staravoitaw, the testimonies of Lyavonaw and Staravoitaw differ. In Vasil Lyavonaw own words he had paid money to Staravoitaw for the furniture. But he did not realise at this moment that the furniture set costs more than Staravoitaw asked for it, as it is made from a more expensive wood. Why Vasil Staravoitaw said different to the investigators? To Lyavonaw's opinion Vasil Staravoitaw was under pressure. And it must be said that this thought makes sense. During the trial of Staravoitaw the observers noted his indifference to what was going on and his bad physical and moral condition, so we should realise how much we can trust those testimonies.

The fact that the witnesses declared that they experienced pressure from the militia favours this conclusion. One of the witnesses was even deprived from his foreign and national passports. Partially testimonies of the witnesses were recorded incorrectly by the investigators. Interpreting this into the words of the law the investigators allowed distortion of information provided by these people or deliberate fabrication of facts.

Vasil Lavonov pleads not guilty.

What next?

The trial over Vasil Lyavonaw continues and the end is not in sight. The ex-minister is under the threat of being sentenced to 12 years of imprisonment.

The end of the case of Andrey Klimaw is not expected soon. Just as we can not see the desire of the Lukashenka regime to set free those who are called political prisoners not only in Belarus, no matter what promises are given to the West to guarantee human rights.

But every person has the right of a fair trial and presumption of innocence. Our characters are guilty in the eyes of the regime a priori: they crossed the road to the criminals under governmental flag and openly disrespected demagogues.

The trials of Andrey Klimaw and Vasil Lyavonaw continue and have the perspective to continue for months.

Tatsyana SNITKO

Every citizen has the Right to defence...

Open letter to the Chairman of the Supreme Court V. Sukala from the Human Rights Centre «Viasna-96»

Dear Minister,

The trial of the former minister of agriculture Vasil Lyavonaw started on the 17th of August. At the beginning of the trial Vasil Lyavonaw's daughter Svyatlana Ulasava declared on her father's behalf petition about participation of Barys Gyunter, "Viasna-96" representative, in the trial as public defender.

After the court discussed the petition judge V. Chartovitch gave the floor to the prosecutor who declared that he is against B.Gyuntar taking part in the process as a public defender.

As a result judge V. Chartovitch turned down the petition, which V.Lyavonav confirmed personally. Moreover the judge quoted the Statute of the Human Rights Centre «Viasna-96» saying that the centre can defend only its' members. But at the same time article 2.1 (part 2) of the Statute says, «defence of other citizens is fulfilled in cases stipulated by the legislation of the country». As a continuation of this article the article 2.3 (part 8) says that the centre gives juridical and information help to the people who asked for it.

«The representatives of the centre «Viasna-96» have right to give juridical and other help to the people who came to the centre and asked for it...»

This extract from the Statute of the Human Rights Centre «Viasna-96» was quoted in the petition for the B.Gyuntar participation in the trial and was given to the judge together with the provisions of "Viasna-96" Statute. But neither the judge nor the prosecutor took it into consideration. By this the constitutional right of V.Lyavonaw to defence and our right to act as a public organisation were violated.

The Human Rights Centre «Viasna-96» addressed to the chairman of the Supreme Court V.Sukala with a protest. But to our surprise this complain was not registered in the chancellery of the Court. Moreover the representative of «Viasna-96» B.Gyuntar was addressed to the Judge on duty of the court who refused to accept the protest explaining it by the fact that the decision of the judge V. Chartovitch is final and carries no right of appeal.

We send you our petition by post and at the same time address to you with an open letter. We hope to receive a qualified juridical answer from you.

A Million for Sympathy

Realities of our life

First, some words about the character of this article: Syargei Andreevich Zalipski, a major in the reserve, the deputy director of the closed joint stock venture "Kanfido" enterprise, served in the army in different places of the once unbounded country. He used to be a chief of the military plant's department, doesn't have bad habits and is characterised as a calm and patient person, a reasonable. He lives in Minsk.

And now let's get down to our topic. This year, on July 7 Mr. Zalipski was walking along the Batanichnaya Street towards the Botanical Garden. A man of about 60 years, with a case was walking towards him. His hair was grey and he himself was a little "sissy" that can be explained by the end of the working day, by the past and forthcoming holidays and Friday, after all.

The man keeps walking not insulting people's dignity by his looks as the looks was quite alright, as Mr. Zalipsky says. And at this moment a "Zhiguli" militia car appears from behind the corner (the number is 15-64 MH, 1504). They stopped at the man. Militiamen step out of the car and begin to pull him into the car. Zalipski got interested and came up to them. He heard the following: "Yes, I've drunk a bit, but now I am walking home," – the man was saying. A militiaman was doing his business without saying a word: he was pushing him into the car. The man begins to realise that it is becoming serious and addresses to public: "People! Help!" A woman turns, looks back and... walks on. But Syargei Andreevich Zalipski came up and interfered. To his own cost.

Another militia man a machine-gun climbed out of the car to help his colleague. Zalipski asked: "What for are you taking him? He is in a normal state".

"And who are you to interfere? Show your documents, passport!" – the militia man took the offensive. Syargei Andreevich showed his documents and explained he was an officer in the reserve. The fact he was absolutely sober softened the militia men. They even informed Syargei Andreevich where they going to take the detained man – to the Pershamaisky District Department of Internal Affairs. Zalipski also made for there.

But he didn't find that man's traces there. So he had to carry out his own little investigation the result of which was the address: Uruchskaya Street 8, the City Department of Internal Affairs of Pershamaisky district. The "client" of Zalipski was taken in that direction. Syargei Andreevich also went there.

There was nobody in the duty room. Only the detained man. He was very surprised and asked: "What for have you come here? Such things are happening here..." Shortly after Syargei Andreevich had a chance to see it with his own eyes.

All of a sudden a militia officer, a captain, appeared and began to shout: "And who are you?! What are you doing here?" (He was slightly bald his name was Vasil Vasilievich, we couldn't find out his surname). Zalipski explained. "Who let you in? Go out from here. There is nothing for you to do here!" Zalipski's attempts to draw the captain's attention to the case itself were fruitless. Instead of having a talk he grabbed Zalipski by the collar and pulled him outdoors. On the front steps Vasil Vasilievich hit Syargei Andreevich in the jaw and tore his coat. As far as the latter is concerned he answered in Tolstoy's way: "I won't resist now but I also won't leave it."

"In this case you will stay here!" And for the first time in his life, Syargei Andreevich found himself behind bars. Though he used to carry out militia work in the army and saw "rooms of a cell's type" – he had never chanced to be in it. So, as they say, never claim you won't get to prison or get poor (there's a proverb)...



One can only imagine what was happening in Zalipski's soul and what feeling he experienced. To say he was like a tiger in a cage won't be an exaggeration. At last the chief of the department, major Shlyachyn Alexander Mikhailavitch, appears. Zalipski tries to draw his attention. "We'll look into," he replies and disappears. Next time he promises to look into again. Zalipski felt a kind of relief: "this time they must find out and let me go," – he thinks.

The captain came in again and asked: "So, what should we do with you? "He looked peaceful and calm. But the fighting spirit hadn't left Zalipski yet and said the words which were to decide his destiny: "You must act within the law. I won't leave it this way".

"There's you are!.." Actually they acted within the law. They drew up charge sheet: petty hooliganism (art. 156 of the Criminal Code of the RB). They gave it to him to read and to sign. He reads: "... burst into the militia station, tried to free the arrested man, used swear words..." Syargei Andreevich writes his version of the events immediately and doesn't sign the minutes. And, correspondingly, takes his place on the plank-bed.

In his house, by the way, there was a slight panic: where is husband and father? Thanks God, a sergeant phoned them and in the middle of the night Zalipski heard his father's voice (he is 73 and he's got heart problems). Son hears his father's voice and the militia officer's answer: "We tried to send him home but he doesn't want. Let him sit here." So he was not allowed to talk to his father. As if he was arrested for murder.

Shortly after major Shlyachyn came. A procedure of going out started. Syargei Andreevich began to prove he wasn't guilty of anything and that he had been beaten in the militia station. "I didn't see that," – replied Shlyachyn calmly. When Zalipski was leaving this militia station he was given a "bill" for the hotel of "broken hearts and damaged reputations". One night there costs rather expensively – 1 million roubles...

Syargei Andreevich was moved and insulted by this incident. He hadn't met with authorities before. Moreover he forgot an expression from the 30s: "The authorities don't imprison for nothing." Maybe because of that he began to look for justice. He applied to the prosecutor's office. He turned to a journalist.

Your reporter met major Shlyachyn. The reaction was an expected one:

- Zalipsky? Yes, I remember him. What can I say? Firstly, he should have addressed to the man on duty and not to burst into the room. All in all, he is a strange person... To go there 10 kilometres. For what? He didn't even know this man... Secondly, he swore and disturbed militiamen. He alone bothered the militia station for 2 hours! Who asked him to interfere where he shouldn't have to? We know whom to take ourselves... Was beaten up? I hear that for the first time. Nobody beat him. He might be grabbed by the hand to walk him out... It's his business whether to apply to the Prosecutor's office... A fine? Certainly! Petty hooliganism, in accordance with the minutes. If you're guilty – answer.

So, it was a conversation between a deaf man and a dumb one.

On that very day Syargei Andreevich went to a hospital to take down the blows, brought the results with his application to the Prosecutor's office and began to wait.

The investigation of the case was carried out for more than a month.

On July 10 Syargei Andreevich received the following paper from the Pershamaisky District Prosecutor's Office: "Facts, mentioned in your application haven't been proved. No violations were found in the actions of the militia men. Your detention for committing petty crimes was found lawful and grounded... You are denied of bringing a criminal action in accordance with art. 5 (part 2) of the Criminal Code of the Republic of Belarus (for missing corpus delicti)... The District Prosecutor V.G.Ramanowsky."

We must do justice to Syargei Andreevich: to live up to 44 years old and never to happen to meet with the authorities in the country, the third part of which population have been imprisoned or detained, where prison slang has become a part of popular folklore, where you can be arrested for having a red shirt and a pair of white trousers on or for speaking your native Belarusan language or for passing by the meeting... Rare fortune.

Syargei Andreevich's views on a number of things must have changed. His attitude to the authorities is also different now. As he himself puts it: "They make people their enemies themselves..." Golden words...

Andrey SYARZHAN

MECHYSLAW GRYB:

"...A VICTIM WILL BE ENTRAPPED SOONER OR LATER..."


Mechyslaw GRYB

On August 5, Maskowsky court started hearings of the civil case filed by the parents of three dead children and an injured one during the tragedy on Nyamiga on May 30. The plaintiffs charge the City Executive Committee and the Administration of Internal Affairs of professional inefficiency, which led to a great tragedy – to the death of 53 people... As it's known, Human Rights Centre "Viasna-96" is entitled to be an executive body of public commission for investigation the tragedy on Nyamiga, that's why our colleagues applied to Mechyslaw Gryb – chairman of the 12th Supreme Soviet, general of militia – in order to clear the procedure of such events. Mechyslaw Ivanavich had been working in the Ministry of Internal Affairs for 36 years, he had been responsible for social order for 15 years: in Vitsebsk region, in the city of Vitsebsk and on the territory of Belarus. He has been a head of the Department for Social Order for almost 4 years. He used to be at the head of operations aimed at keeping social order during great events, such as football matches (there was a time when 75-80 thousands of fans were supporting their favourite football team at Minsk stadium "Dinamo"), matches, demonstrations, meetings – in October and May and so on.

— Mechyslaw Ivanavich, will you tell us about the preparations for mass events?

— I wasn't involved in the investigation and examination of the case, connected with the tragedy on Nyamiga. I can only tell that authorities have to get ready for mass events. A detailed preparation is required for any event in which several thousands of people are going to take part. It's necessary to form a group, which is to examine the place of the event in advance. They should examine everything: what wrongdoings are likely to be, what can happen in the result of rain, thunder or any other natural disasters or incidents, for example a fighting, which can happen all of a sudden. They should think over where to people are likely to run, where they are likely to find shelter and they should plan what is required to provide their security. And later, under the results of such inspection, such a group makes a decision: how many people are required to keep public order, where they should be placed, what should be cordoned off. This group sets out directions how to behave in extreme situations and they are to be approved by heads of the department, which is responsible for order on this territory. Even Minister of Internal Affairs has to sign it in case of especially mass events. It's a very responsible task.

Then a plan is made, headquarter are formed, certain people are appointed, all the territory is divided into sectors, chiefs are chosen, communication is made (radio stations, call signs etc.). Those who organise an event together with those people who will provide a public order drive to the place of its organisation for recognition. All difficult moment are to be worked out and even the cases when there would be a necessity to take into actions – these people are well-trained: everyone knows what to do, how to do and where to do.

It goes without saying that certain events are held by executive bodies and the militia must collaborate with its organisers to avoid any unexpected results. For example, alcoholic beverages shouldn't be sold nearby; everyone pursues his own goals: a seller wants to make more money, to make profits, to put money in the pocket and all the rest doesn't bother him. That's why everything should be talked over. In general, there should be a full, detailed plan: how to organise, what to organise and where to organise.

I don't know if all these precautions had been made on the eve of May 30 but judging by the information in Mass Media (Tarletsky's speech and so on) most likely that all the actions were beyond their control: happen what it may. There is an event, the contract is signed up. What is a contract? It means that money was taken for providing public order. They, probably, gave 150 or 200 people, appointed several officers – guard it! There wasn't any examination, or recognition or preparation – as a result happened what it might happen.

I'd like to point out that in the area where there is a metro station or other places where people might shelter during natural disasters or other unexpected events – such stations should be closed and cordoned off not to let the crowd go through it. Obviously, if you go downstairs, man's steadiness decreases: he stands downstairs he is pressed from the above, he has nothing to lean on – he can either fall down or run downstairs and walk on others. To my mind, references to the fact that metro heads hadn't agreed or had agreed to meet the demands to close the station are not grounded. Why? If the metro heads had been proposed to do it, there should have been a letter but nobody talks of its existence. If such proposals had been made orally, it's hard to say if they had really been: one would say – I had warned you, the other – I hadn't. I don't think the metro heads would have refused such demands if the militia had signed such documents. Without any doubts, it would have been done. The metro station should have been closed at least from the side of the Palace of Sport, people should have been informed that the station had been closed from that side, the entrance had been from the other one.

— It looks like when metro stations are closed during the opposition meetings?

— I believed that when opposition or other people dissatisfied with the regime, stage their meetings, metro stations are closed not to provide security but to decrease the number of participants. When a station or two are closed and when you've passed them, you won't be able to join the demonstration.

As to Nyamiga, the order could have been easily kept, without any doubts. I think that everything what had hap-

pened is not a premeditated attempt it is simply carelessness of city authorities, of the militia, of those who were responsible for providing public order, by the way not of ordinal stuff but of their officials. In addition, people who found themselves in the passage behaved in an uneducated and irrational way. They had to be told what to do and how to do.

— Was it the militia's duty: to explain to people how to behave and where to go if it rains, to propose them to go home?

— I wouldn't say that it is a duty: they may warn or they may not but they should have foreseen where people would go in case of emergency. It's said that there were 5 militiamen near the metro station, but if those five men had stood close to each other and had cordoned off the entrance upstairs (it's 5 metres, no more), no problems would have risen. It was impossible to close the passage downstairs even if 20 or 30 militiamen would have done it. Other laws were in action there.

I think that loud-speaking devices should have been used to appeal to people, to prevent the danger. Particularly dangerous areas should have been marked, at least with the help of a fence. But it hadn't dawned upon anyone that it was absolutely necessary: today it went, tomorrow it will go, the day after tomorrow ... Mayor Yarmoshyn says that a number of events were organised on that place, and they went quite well... But they went up to that time...

It reality was a dangerous tram, in which victims were trapped. They were entrapped on May 30, but they might not have had, they could be trapped a year later, or earlier. If should have been foreseen and prevented.

— According to the information we have, when it started to rain, the militia ran to their cars and looked for shelter there, and they couldn't give a first aid to the injured. The witnesses of the tragedy testify that the militiamen didn't practically give a first aid. Does the law on Militia make any provisions for it?

— Yes, it does. Now I can't say for sure why the militiamen acted in such a way. Obviously if everything had been organised, if there had been headquarters, if there had been a head of it who on seeing that it started to rain, would have taken the necessary measures: had ordered to cordon off the passage, had informed people where to go, and where not to go, everything would have been OK. The necessity is so obvious that nowadays it's hard to realise why they had failed to do it. In general, any statement that there are guilty or there are not guilty people, sounds ridiculous whoever made or pronounced them because they are made by the people who are not experts in this or that matter. It should be examined, investigated in details, but the preliminary statements that no one is to blame, - thunderstorm and hailstones are involved – are inappropriate.

— Under what law this event be considered?

— Under the law on Mass events. The organisers had the permission from the Minsk City Executive Committee.

— But we know that the permission had been signed up by Guryn – deputy chairman of the Minsk City Executive Committee on culture, but all mass events are usually signed by Chykin.

— It doesn't matter who had signed it: Chykin or his deputy – it was permitted. It says that public order and security are to be provided. But the militiamen hadn't coped with it. Tarletsky's team came to an agreement, money was paid (Guryn confirmed it), but the task was left unfulfilled.

— Are there any special directions how to behave in such situations, how to disperse the crowd and are our militiamen familiar with it?

— Certainly, there are. It's like science. Militiamen, special troops are engaged: they divide the crowd into parts. The most dangerous areas are guarded by cavalry militia and it produces a strong impression on people. Horses can't stand still they shift from one foot to another, people are afraid to come closer – it holds them back. There is cavalry militia in Minsk, but they mainly patrol parks. One can say that this event hadn't been paid proper attention to. There are no little things in any matter, everything is to be considered with a great responsibility. At Piotr Mironavich Masheraw's funerals people we had similar circumstances when people broke through militia chain some of them had their ribs broken, but there were no victims. I was responsible for public order when Kisyaliow died, Masheraw's follower, everything had been foreseen and there were not any difficulties.

I can only add, that the quantity of people who keep public order, makes no difference. Some believe that 150 is not enough, still others – that is too much. I want to say that there were too many militiamen, 50 would have been enough if every step had been carefully planned and foreseen.

— It means, that an officer who was responsible for public order failed to cope with his duties?

— Obviously, there was the officer, who was responsible for it but who had sent him there, what was his task, what he was to do? I don't want to accuse him. Most likely that he had been told to take people and guard, it's your business how you will manage with it. 2-3 thousands of people at a mass event is not too many. Consequently this event hadn't been paid proper attention to.

Beginning from 1994 alcoholic drinks are sold, consumed and brought to everywhere. I have seen several times: there is an event in the Freedom Square, but not far away, behind the park – everybody drinks and nobody pays attention to it. Most likely that in these cases the militiamen are directed not to trouble those who drink vodka, wine or something else, sitting on the grass. It mainly concerns public holidays. Let people enjoy themselves! But it goes up to a certain moment.

I remember keeping public order on the Mound of Friendship, where rep-

(to be continued on p. 15)



«When there is nothing for, but there is a need for – convicting...»

We wrote about the trial over three young Belarusans – Syargei Laveikin, Aleg Kaidaw and Anatol Bliznyatsow, who took off the national red-green flags from the Polatsk buildings of the City authorities. The boys explained that their actions had political background. They were brought up under historical and at those times state white-red-white flag and they don't accept communist symbols imposed upon them... Today we return to this loud case for detailed description.

On the 9th of April 1998 the state flags of the Republic of Belarus were taken off from the buildings of the Polatsk Region and City Executive Committees. Of course they were taken off not by the employees of these institutions but by «some sort of hooligans». The prosecution office of the city of Polatsk instituted a criminal case on this fact under the article 186^2 of the Criminal Code of the Republic of Belarus – the outrage of the state symbols. According to the Criminal Code the punishment for this crime can be two years of corrective works or fine. Though this sort of crime against state symbols is not so serious as one can see from the punishment the prosecution office of the town gave special value to the investigation of this case. Militia, KGB, mass media and public of the town were involved in the investigation. Dozens of people were interrogated, dozens of searches were carried out, thousands of tests and reports were made, and etc...

Frankly speaking I felt pride for my former colleagues when I got acquainted with the case. It turned out that they can work very well when they need... But I was embarrassed by some «details». For example the prosecution had no facts that both flags in both cases were taken off by one and the same person or group of people. But instead of instituting two cases only one case was instituted uniting both crimes. It is understandable that the prosecution didn't want to register two cases that could be not investigated to the end. Let's pay attention to one more fact. The seriousness of the attitude with which the prosecution started to investigate this case shows the hope of so called window dressing. Dozens of interrogations, searches, tests and other investigation actions, thousands of roubles spent – and no result at the end. Two months later the case was closed, as there were no criminals found.

The case would be forgotten and happily sent to the record office if there had been no lucky for the investigation accident that took place one year later after the first crime. On the 11th of April 1999 at midnight the door- keeper of the region executive committee heard noise- someone was on the roof of the building. She also received a phone call from the door – keeper of the nearby building. She saw people on the roof of the building. The door – keeper called police.

The special militia troops car was nearby. They came to the place very quickly. The militiamen knew that they don't go to the place of robbery or murder. But at the same time when they saw people running away the chief of the group fired a shot into the air from his gun. As he explained later he wanted «to attract attention of his comrades». He knew that he should attract attention by whistling not shooting but at the same time purposefully violated the rules. After the shot one of the men fell down the second continued to run away. He didn't hear the shot. That was Syargei Laveikin, sergeant of the frontier troops of the Polatsk detachment. In the dark he got into the foundation pit with water.

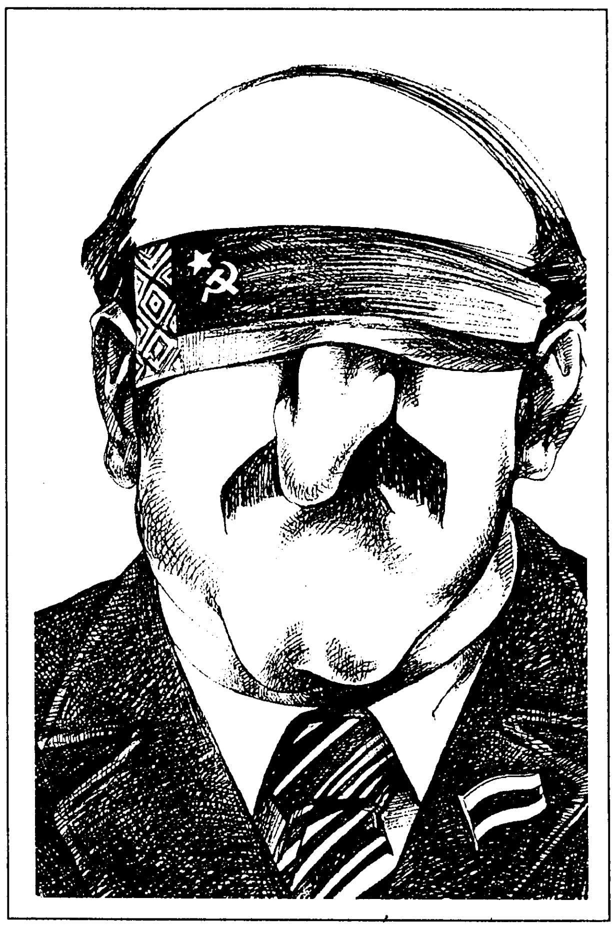
There he was found by one of the militiamen. Syargei refused to get out from the pit as he saw how aggressive the man was. He wanted to see the chief of the group. Stones and pieces of concrete were reply to his request. One of the stones got into Syargei's head. One of the militiamen would say later that they don't know why but after Syargei got out from the pit he laid on the ground. They don't know why... Later doctors found out that Syargei had concussion of the brain. But the first aid for Syargei were the sticks of the policemen near the pit. Later the doctors would say that there were signs of 22 blows given to Syargei. The man spent 22 days in the hospital afterwards.

Two prosecutor's offices – of the town of Polatsk and of the frontier troops were investigating this case. And none of them saw anything bad in cruel beating of a man. The pride of a uniform for them was much more important than the pride and dignity of a man, even if he violated the law.

The 4th of August 1999 was a very difficult day for the investigator of the Polatsk prosecution office Natallya Getmanava. First she charged Syargei Laveikin and Aleg Kaidaw of the episodes of the previous year, then she added the events of this year and charged them of the both crimes. She also charged Anatol Bliznyatsow who was also arrested by this case. Then she sent two volumes of the united case to the prosecution office of the frontier troops. Everything would be fine if she didn't violate the law and human rights.

Firstly, the 9th of April 1999 was the expiry date for the events that took place on the 9th of April 1998. And according to the article 46 of the Criminal Code of the Republic of Belarus "a person couldn't be brought to book".

Secondly, according to the point 3 article 5 of the Criminal Code the criminal case can't be instituted and the instituted case should be closed when the term expires. That means that on the 10th of April 1999 the investigation of the fact of the taking off of the national flags that took place on the 9th of April 1998 was not legal.



According to the article 27 of the Constitution of the Republic of Belarus all investigation actions of this case have no legal grounds.

Thirdly, the Constitutional Court emphasised several times that no one can charge people basing the accusation only on confessions of the people. Such methods were used in the Soviet Union in 30-40s. In the case there are proofs that Syargei Laveikin and Aleg Kaidaw took off the flags on the 9th of April 1998. Moreover there are proofs that they didn't do it. During

first interrogations on the 11th of April 1999 S. Laveikin confessed that in the evening on the 9th of April they came to the yard of the building of the City Executive Committee and looked for the fire stairs. An interesting question arises. Why did they look for the fire stairs when they were here before. Their confessions about that evening differed from each other.

One can understand Natallya Getmanava who didn't see many violations of the law and violated the law herself as the case had been investigated for one year and there was no result. And of all a sudden such success – the boys were caught at the "scene of the crime".

On the 5th of August 1999 two volumes of the case got into the prosecution office of the frontier troops. It was given to the prosecutor's assistant major of justice S. Litvinchuk. First thing he does is the written promise of S.Laveikin not to demand any investigation on the fact of him being beaten by the policemen. Then he changes the charges from article 186^2 that presupposes the maximum punishment as 2 years of corrective works to article 20 part 2 of the criminal code of the Republic of Belarus that stipulates the maximum punishment of 5 years of imprisonment. And immediately the boys saw the perspective of their written undertaking not leave the city can be changed on imprisonment. Of course both the boys and their parents were scared.

Did S.Litvinchuk have any reasons to change the articles of charges? He didn't. First of all the defendants confessed that they took off the flag as they think it is not answering the history of Belarus. And that means that taking off a flag had principal and not hooligan reasons and motives. Secondly the process of taking off a flag didn't violate the public order. And violation of the public order is the main reason to accuse someone for hooliganism.

For ten years people can't stop wondering why in Belarus they make crime from nothing, they make criminals from good people, and big criminals from small ones, etc. Unfortunately today Belarusan lawyers doesn't base their work on the old principle «if you can justify», but they work on the new Belarusan principle «when there is nothing for, but you need – convicting.»

The trial lasted three days. The state prosecutor captain of Justice D.Alhimik many times returned to the role of Anatol Bliznyatsow in outrage of the flag. He wanted the defendants to confess something that might be useful for the prosecution. But how can one be accused of being an accomplice if he was so drunk that he couldn't climb the stairs and was lying on the ground. All the attempts of

(to be continued on p. 15)

"...Aimed at expressing their disrespect..."

Verdict № 24

in the name of the Republic of Belarus

July 8, 1999 *Vitebsk*

Vitebsk Garrison Court Martial in an open court sitting, consisting of:

A.S.LUPINOVICH, militia captain – at head.

I.E.STSESHANOWSKY, senior lieutenant – secretary.

With participation of a state prosecutor ALKHIMIK D.S., - aid of military prosecutor for lawfulness on the state border and in frontier guards of the Republic of Belarus, captain of Justice; AGEEW V.N. and MATSVEEW S.V. counsels for defence; and SAPRANETSKY L.I., a public defender.

Examined the case of LAVEIKIN SYARGEI ALYAKSANDRAVICH, a soldier (former senior sergeant), born on March 26, 1978 in the town of Shawlyai, Lithuanian Soviet Socialist Republic, Belarusan, finished secondary school, single, hasn't been prosecuted before, conscript by Polatsk military Commission in July 1997...

As well as cases of

KAIDAW ALEG LEANIDAVICH, born on June 25, 1978 in the town of Polatsk, Vitsebsk Region, Belarusan, finished secondary school, single, hasn't been prosecuted before, conscript, a student of Radio-Engineering Department at Polatsk State University, lives in Polatsk...

and BLIZNYATSOW ANATOL ULADZIMIRAVICH, born on April 25, 1979 in the town of Astravets, Grodna region, has technical education, single, hasn't been prosecuted before, student of History and Philology Department at Polatsk state University, lives in Polatsk...

Accused of the crime under Art. 201 (p. 2) of the Criminal Code of the Republic of Belarus.

Court investigation found out:

On April 9, 1998 in the town of Polatsk, Vitsebsk Region, Laveikin and Kaidaw, being drunk, decided to mock at the State flag of the Republic of Belarus in order to express their disrespect to it. Carrying out the plan, Laveikin and Kaidaw arrived at about 10 o'clock to the Polatsk district Executive Committee in Talstoy Street, 6; they climbed the fire-stairs, reached the top of the building, pulled down the State flag of the Republic of Belarus and tore it down.

Having climbed downstairs, they saw one more flag on the Polatsk City Executive Committee in Marx Avenue, 10; Laveikin and Kaidaw agreed to continue their wrongful acts, connected with disrespect of the national symbol. Filled with this idea Laveikin and Kaidaw went to that building, climbed the fire-stairs where they tore the National flag of the Republic of Belarus.

Having climbed with the flag downstairs, Laveikin and Kaidaw didn't stop and went to the nearest park where they urinated on the flag, dirtied it with their faeces, then they put it in the litter-bin near the Polatsk City Executive Committee, as to the other one, from the Polatsk Region Executive Committee, they threw it from the bridge in the river of Palata.

On April 10, 1999 at about midnight in the town of Polatsk, drunk Laveikin and Kaidaw again agreed to tear the National flag of the Republic of Belarus off, which was on the Polatsk Region Executive Committee.

Carrying out their intention, Laveikin and Kaidaw together with Bliznyatsow, who was also drunk, went to that building and proposed to Bliznyatsow to assist by warning them in case of danger. Having got Bliznyatsow's positive reply, Laveikin and Kaidaw climbed the fire-stairs and reached the top, where the latter with the help of Laveikin went higher and tore it off. Meanwhile Bliznyatsow was in the yard, watching around and ready to resist anybody who would interfere with the fulfilment of the act.

When Laveikin and Kaidaw climbed downstairs they as well as Bliznyatsow were detained by the militia. While being detained Laveikin threw the National flag away. Interrogated as defendants, Laveikin and Kaidaw pleaded guilty and gave testimony concerning the circumstances, the scene and time of the crime.

Besides Laveikin and Kaidaw, every one in person confirmed that they had mocked at the National flag of the Republic of Belarus because in their opinion, this flag doesn't correspond historic traditions of Belarusans and by their wrong-doings they wished to express their negative and disrespectful attitude towards this National symbol. But as Laveikin and Kaidaw added later they repent of their act as in spite of their opinion, they had no rights to do wrongful acts connected with the National flag, ratified to be the symbol of the Republic of Belarus by the majority of population.

Defendant Bliznyatsow pleaded guilty in assisting Laveikin and Kaidaw to mock at the National Flag of the Republic of Belarus and testified that on April 10, 1999 at about midnight he together with Laveikin and Kaidaw

(to be continued on p. p.12-13)

"...Aimed at expressing their disrespect..."

(continued from p.p.10-11)

in a state of intoxication went to the Polatsk Region Executive Committee, from the top of which the they had decided to tear off the National flag. Laveikin and Kaidaw climbed the fire-stairs, and he, Bliznyatsow was ordered to be in the yard and was to give a sign in case of danger. Having stayed for several minutes on the roof, Laveikin and Kaidaw went downstairs, where he, Bliznyatsow, together with them was detained by the militiamen. Moreover Bliznyatsow said that being in the yard he couldn't be of any practical assistance as he was heavily drunk.

Apart from the fact that the defendant pleaded guilty, it is totally proved by the court investigation.

Thus, according to the report from the scene on April 10, 1998 there wasn't the National flag of the Republic of Belarus and there was only a piece of it with ornament.

According to the report from April 10, 1998 in the yard of a Polatsk executive Committee in the litter-bin, a green-red flag was found, on which there are brown stations. Pieces of the flag with ornament were found on the Flagstaff.

Witness Korneva gave testimoni in court that being a watchman of Polatsk City Executive Committee on April 10, 1998 in the morning she found in the litter-bin near entrance the National Flag of the Republic of Belarus which was stained with brown-coloured substance. Korneva took this flag and put it in the litter-container, which was in the yard and informed the militia about it.

According to the results of forensic medicine, there are stairs of faeces on the National flag of the Republic of Belarus.

The scene report from April 11, 1999 says that on the territory neighbouring to the Polatsk Region Executive Committee, the National flag of the Republic of Belarus was found, which according to the results of examination had been torn on the steam and in the place of its fixation to the Flagstaff.

Witness Ambrasovich was questioned in court and he testified that on April 11, 1999 at 1 o'clock in the morning being the member of a militia patrol for public order in Polatsk, he was signed that the flag was taken away from building of the Polatsk Executive Committee. Having arrived at the scene, Ambrasovich spotted three unknown men and started to pursue one of them. The man, who was later discovered as a serviceman Laveikin, ran away and dropped a piece of linen and he was detained soon after that. After Laveikin's detention the dropped article was found, it was the National flag of the Republic of Belarus.

Witness Klimanovich testified in court that on April 11, 1999 at 1 o'clock in the morning, being on duty in Polatsk he arrived at the Polatsk Region Executive Committee. The watchman told him that there had been unknown people on the roof, one of them had been in the yard observing the surroundings. Having left the building, Klimanovich saw two men, during the pursuit one of them dropped a soft article on the ground, it was the National flag of the Republic of Belarus. One of them was detained by Klimanovich and taken with the other two to the charge office. All these people were in a state of intoxication.

Under the report from April 11, 1999 Kaidaw and Bliznyatsow were brought to the police station of Polatsk City Department of Internal Affairs.

According to military-forensic commission, Laveikin is fit for military service.

Bodies of preliminary investigation qualified the wrongful acts of Laveikin and Kaidaw, connected with disrespect of the National flag



of the Republic of Belarus, under Art. 201 of the Criminal Code of the Republic of Belarus (malicious hooliganism, which points out their exceptional impertinence and cynicism).

Preliminary investigation didn't cite the motives which encouraged the offenders.

As to defendants, Laveikin and Kaidaw, they were questioned in court and during the preliminary investigation as well and proved that in their opinion the present National flag of the Republic of Belarus doesn't correspond to historic traditions of Belarus and in this connection, willing to express their negative attitude to the symbol, they mocked at it. Moreover Laveikin and Kaidaw claimed that while they were mocked at the National flag, they were doing it on the quite and didn't intend to break the public order and show their disrespect to the public.

Having examined the evidence, the court believes that the court sitting hasn't found any information which would refute the defendant's application on motives of the crime.

The court also thinks that qualified features of the malicious hooliganism haven't been confirmed in the court sitting as well.

Thus, the preliminary investigation didn't point out those actions which prove the exceptional impertinence of the defendants on April 10, 1999.

The Court considers that the incident on April 9, 1998 connected with disrespect of the National flag of the Republic of Belarus can't be treated as qualifying circumstance at malicious hooliganism as the above mentioned acts are the reasons for being tried for disrespect of the National symbol. Irrespective of their quantity.

The court also believes that the fact of disrespect of the National flag of the Republic of Belarus, by using faeces is to be criminally prosecuted for disrespect of the National symbol. While making this conclusion the court takes into consideration the fact that the defendants hadn't done and hadn't planned to urinate in public, and that's why they can't be treated as exceptionally cynic, consequently it's not the reason for being tried for malicious hooliganism.

Taking into consideration that Kaidaw and Laveikin hadn't intended to break the public order and to express their disrespect to the public moreover all their acts were aimed at expressing their disrespect to the National symbol; we may assume that there are no hooligan motives and their acts should be re-qualified. As on April 9, 1998 Laveikin and Kaidaw deliberately intended to demonstrate their disrespect to the National symbol and took away the National flag of the Republic of Belarus from the Polatsk Region and Polatsk City Executive Committees. While mocking at one of them, they urinated on it and dirtied with faeces. On April 10, 1999 encouraged by the same idea, they again took away the National flag of the Republic of Belarus from the Polatsk Region Executive Committee, it means they mocked at the National symbol of the Republic of Belarus. The court martial re-qualified their actions from art. 201 to art. 186 of the Criminal Code of the Republic of Belarus.

Besides according to the investigation Bliznyatsow hasn't committed any active actions aimed at mocking at the National Symbol; but under Laveikin and Kaidaw's proposal he was in the yard, watching around and ready to warn them in case of danger. The mentioned circumstances prove that he is not the direct doer of those actions but he is an accomplice as he was on guard.

The court refused his application saying that he was in the yard but as he was heavily drunk, he wasn't on guard.

Moreover the court takes into consideration the fact that during preliminary investigation, Bliznyatsow hadn't mentioned it but was gradually telling about his duties as an observer.

The court also considers the fact that from the testimony, given by the defendant and Bliznyatsow as well, is clear that he, being ordered to observe and give a sign in case of danger, didn't refuse and it means he agreed to do it. That is more Bliznyatsow hadn't left the scene of crime and was present there up to the end it means he had been doing his duty. At the militia arrival, feeling guilty, Bliznyatsow together with Laveikin and Kaidaw started to get away in order to avoid detention.

Thus the above mentioned circumstances prove Bliznyatsow's participation in the crime and his acts are to be re-qualified. As on April 10, 1999 Bliznyatsow assisted Laveikin and Kaidaw in their attempt to express disrespect to the National flag of the Republic of Belarus by tearing it away from the Polatsk Region Executive Committee and watched around to warn them in case of danger, it means he is an accomplice in this crime. The court martial re-qualified his actions from art. 201 to art. 186 of the Criminal Code of the Republic of Belarus.

While bringing a verdict, the court martial admits the fact that crime was committed in a state of intoxication, and it can be qualified as aggravating circumstance.

Along with it the court takes into consideration the fact that Laveikin, Kaidaw and Bliznyatsow hadn't been instituted criminal proceedings before and they have good recommendations. Laveikin and Kaidaw repent of their actions and ready to cover the losses. All these can be qualified as attenuating circumstances.

Besides, the court considers the character and participation of each of the defendant, and takes into account that Laveiking and Kaidaw had been more active and Bliznyatsow's role hadn't been so significant.

Besides, the term stipulated under Art. 46 of the Criminal Code of the Republic of Belarus for disrespect to the National symbols expires and the court discharge Laveikin and Kaidaw for their actions on April 9, 1998 and brings a verdict only for their actions on April 10, 1999.

Laveikin, Kaidaw and Bliznyatsow will not get labour forces as the defendants haven't got permanent jobs.

Taking into consideration the above mention circumstances and information about the defendants as well as their material status, the court decides to fine them under art. art. 301 – 304 of the Criminal Code of the Republic of Belarus, court martial resolves:

Laveikin Syargey Alyaksandravich,

Kaidaw Aleg Leanidavich

are found guilty of mocking at the National flag of the Republic of Belarus. So, they are to be fined for 200 minimum wages, 200.000.000 (2 hundred million) roubles each.

Bliznyatsow Anatol Uladzimiravich is found guilty of assisting to the attempts of mocking at the National flag of the Republic of Belarus. He is to be fined for 20 minimum wages 20.000.000 (20 million) roubles.

Laveikin is to be under the military unit's surveillance. Kaidaw and Bliznyatsow are not to leave the country till the verdict comes into force.

Physical evidence – the National flag of the Republic of Belarus – is to be kept till the verdict comes into force.

The verdict can be appealed and protested in the Belarusan court martial through the Vitsebsk Garrison court martial within the period of 7 days from its publication

Judge of Vitsebsk Garrison Court Martial, captain of justice LUPINOVICH A.S.

EVENTS FACTS COMMENTS

(Beginning on p.1)

On 22 July, people detained during and after celebration dedicated to the end Lukashenka's five-year presidency stood trial in Minsk. Judge Anatol Barysionak led court hearings in the Minsk Central court. Representatives of the Human Rights Centre «Viasna-96» Valyantsin Stefanovich and Uladzimir Padgol were present at trials as public defenders. Only militia officials were called to witness.

On 27 July, five thousand people gathered in Yakub Kolas Square in Minsk to celebrate the Independence Day of the Republic of Belarus, which was cancelled by A.Lukashenka. Minsk City Executive Committee authorised the meeting and pointed out the place of conducting it – Bangalor Square. The demonstrators from Yakub Kolas Square went to Kamarowski market and then turned to the centre of the city but failed. Their way was blocked by the barrage cordon made up of militia men. Demonstration participants were forced to turn to Skaryna Avenue. Militia men again several times blocked their way. In the end after several attempts to break through the militia line and after strict squabbles people were forced to break up. Arrests began immediately after it. Altogether 40 people were detained. A lot of minors were among the detained. 19 people were taken to custody – in Akrestsin Street. Six women – singers of the women' chorus (over 50 aged), spent night in custody centre.

On 27 July, unauthorised action of protest took place in Barysaw (Minsk oblast). Local social-democrats with caricatures of A.Lukashenka in their hands trampled the «state» red-green flag under foot.

On 27 July, Yawgen Asinski was detained in Minsk after rally dedicated to the Independence Day of the Republic of Belarus, which was cancelled by A.Lukashenka. He is suspected of doing violent actions against militia men. He is charged with breaking the article 201 (p.2) of the Criminal Code of the Republic of Belarus (malicious hooliganism). According to this article one can be sentenced up to 5 year term of imprisonment. Ya.Asinski was kept in isolation ward until he had been brought an accusation. According to information «Viasna-96» possesses Ya.Asinski was severely beaten while being in isolation ward. Ya.Asinski was born in 1978 in the village Samgaradok (Vinnitsa oblast, the Ukraine). In 1988 his family returned to Belarus. Ya.Asinski finished school in Minsk, then he graduated successfully from polytechnic school. Severed in armed forces. Returned home in 1998 and worked on a his profession. After Ya.Asinski had been brought accusation he was transferred to investigation ward.

On 28 July, people detained after celebration of the Independence Day stood trial in Minsk.

On 4 August, Kanstantsin Reznichak was on trial in the Administration of Internal Affairs of the Minsk Leninski district. He was sentenced to 15 days of imprisonment for breaking the article 167.1 (p.2) of the Administrative Code of the Republic of Belarus. The reason was he came out to the presidential residency 38, K.Marx street with placards saying «15 days without Luka!» and «Lukashenka, games with people are dangerous for health!» Following fifteen minutes K.Reznichak was detained by militia men and delivered to the Administration of Internal Affairs of the Leninski district.

On 13 August, Alesya Yusiuk and Nadzeya Grachukha, members of the Belarusan Social Democratic Party "Narodnaya Gramada", were called to the sitting of the administration commission of Barysaw City Executive Committee. They were called to be punished for taking part in the action of protest that took place on 27 July. Girls refused the «proposal» and did not go to the sitting of administration commission.

On 13 August, brothers Dzmitryi and Alexander Abramovich were summoned to the Minsk city court of Central district. They were going to be charged for participation in the feast «Lukashenka's sending-off» on July 21. They refused to appear in state institution.

On 18 August, newspaper «Naviny» reported that the Ministry of Justice refused to register Belarusan Association of Young Politicians (BAMP). Association's chairman Anatol Lyabedzka commented on this refusal by saying that it was done basing on editing remarks while the real reason of it was political one. Anatol Lyabedzka as deputy of the 13th Supreme Soviet is a prominent and active politician and is well known outside Belarus.

On 18 August, newspaper «Narodnaya Volya» informed that during five day-long trial over Andrey Klimaw, deputy of the 13th Supreme Soviet, the latter was not fed and did not have walks in isolation ward.

On 19 August, a group of militia men burst into the building of the Belarusan Free Trade union motivating it by the hidden explosive appliance. The explosion should have taken place at 8 p.m. Militia men carried out a search in the room. As a result they confiscated 30 thousand leaflets with the call of young politicians to the Belarusan citizens to take part in the «Rally of freedom». They drew up a report about confiscation of leaflets and having forgotten about the bomb went away.

On 20 August, court's executor of Grodna Leninski district inspected the flats of Ales Astrowski, Syargei Malchyk, Mikalai Markevich and Mikalai Voran, who was charged for participation in the action «Good by, President!», in order to distrain their property and confiscate instead of fines they got. The highest fine – 200 million roubles got professor of Medical University doctor Ales Astrowski. He is well known in the medical circles outside Belarus for his investigations and discoveries. He originated the technology of skin transplant operation which allows to have the best results ten times sooner than it was before. When court's executor inspected the flat of well-known professor he noted that there were nothing to distrain.

On 23 August, there should have taken place court hearings in Minsk Central district's court on the case of V.Shchukin, deputy of the 13th Supreme Soviet. He was accused of taking part in the fete «Lukashenka's sending-off!» At the very beginning of court hearings it became clear that report was drawn up in V.Shchukin's absence (it contradicts the Belarusan law) and they did not mention a law, which was broken by V.Shchukin. Moreover, the report was drawn up later on July 21 and nobody detained V.Shchukin that day... This means that the report



is nothing but forged document. Having fixed all these facts the judge submitted the report back to militia and postponed the trial.

On 24 August, five militia men burst into the Headquarters of the United Civil Party. They did not respond to demand to present their identity cards and began to carry out a search. During the search they confiscated newspapers and leaflets. «Beloruskaya Delovaya Gazeta» found itself among «arrested». Lieutenant Kastrytski led the group of militia men. When Uladzimir Navasyad, deputy of the 13th Supreme Soviet requested Kastrytski to show search warrant, he promised to place the deputy behind bars up to 15 days...

On 27 August, newspaper «Narodnaya Volya» informed that Grodna City Executive Committee did not permit to hold picket on 1 September against the ousting of the Belarusan language from the schools. Today in Grodna there are only two schools where the part of subjects are taught in the Belarusan language.

On 27 August, newspaper «Narodnaya Volya» informed that administration of the Free Trade union of workers of «Zenit» plant lodged a complaint about the chairman of the City Executive Committee. They have a grudge against him for his baseless refusals to conduct actions of protest against bad living conditions of - vorcers. 8 times for last three years the leaders of the trade union appealed to the city Executive Committee for permission to conduct actions of protest but never got even one.

On 29 August, entrepreneurs of the city of Orsha hold a trade union assembly on the market of the city. Militia men drew up report for breaking the law on assemblies. On August 31 Viktar Andreyew, chairman of the city free trade union stood trial for holding assembly and was fined 20 million roubles.

On the eve of the 1 September Syargei Malchyk, head of the branch of «Viasna-96» in Grodna, was warned by the rector of the Grodna Medical Institute about his possible dismissal for active political activities. The same warnings got Stanislaw Klintsevich, lector of this Institute, and two more people working in the Medical Institute.

Information department of «Viasna-96»

"...A VICTIM WILL BE ENTRAPPED SOONER OR LATER..."

(Continued from p.2)
resentatives of three republics: Latvia, Russia and Belarus used to gather. A lot of people, mainly war participants and partisans used to come there. The holiday was held on the first Sunday in July, it was hot, the sun shone. The participants used to sit in the sun, to walk a little, to listen to a concert, to have a drink... They brought a lot of troubles... But there wasn't any danger there: there are bushes around, if a drunk man wasn't taken home, he could lie there, nobody would run over him, he would be alive. At the same time we had to be very attentive lest everything should be OK. But here... If they had taken the problem seriously, the tragedy could have been prevented.

— How would you explain the fact that press-photographers couldn't take pictures, they were beaten. Isn't it a violation of journalist's rights?

— I think that the militiamen were afraid that journalists would show something for official investigation, for the prosecutor's office and it would be clear who is to blame. And if they had done it, it means that they were responsible for it. Otherwise what is the use of taking films away from them? The militia could only demand not to disturb their work – to save those who were still alive or to pull out the dead bodies – as to all the rest: journalist could do everything: to take pictures, question the witnesses. The most important thing is not to disturb them. There were no other opinion. Journalists are not banned to work. I don't think that someone had ordered to do it – most likely that it was their own initiative but if you don't allow to go, it means that you are scares, you plead guilty. But as they say it cuts both ways: if you have done everything properly, but it happened, and you couldn't have prevented it – nothing can be helped, it means that you are not guilty. Our law says: nothing is to be afraid of. But if you don't allow journalists to work, the question appears: why are you afraid of them?

— Deputy prosecutor in his interview to "Sovietskaya Belorussia" told that all attempts of investigation, re-investigation, except the official commission investigation, would be stopped. How to organise the work of the public commission which as it's known has authority to investigate?

— No one can prohibit investigation. But I believe that this public investigation should be called a journalist one. Such form of investigation is accepted in the world. It happened and it's hard to realise but nevertheless negligence of those people, who had to foresee and prevent it, is obvious. I think that this tragedy occurred because of absence of proper preparation for the event. One third of those militiamen would have been enough to keep public order. Lack of professionalism and private militiamen are not to blame: they don't make a plan – they have to fulfil it I reckon that if this event had been carefully planned from the very beginning, the tragedy wouldn't have taken place. I'm sure of it as I'm an expert in such cases. But it's high time to stop learning on errors, on people's grief.

— Thus, we may say that the authorities are altering the tragedy and its results by saying that no one is to blame?

— Yes, they are. In other countries Minister of Internal Affairs would have resigned. He is not guilty, but it has to do with honour... Finally his people failed to cope with the task... What honour do they have nowadays? Yarmoshyn (mayor of Minsk) sent in his resignation and in this aspect I respect him... The other thing that he wasn't allowed to resign but he had made this step...

I believe that it hadn't been done on purpose, obviously the tragedy hadn't been planned but negligence, negligence and once again negligence led to such tragic results.

T.REVYAKA and V. STEFANOVICH

«WHEN THERE IS NOTHING FOR, BUT THERE IS A NEED FOR – CONVICTING...»

(continued from p.p. 10-11)
prosecution to proof that he was standing on guard were useless, as there was no agreement about any signals in case the militia came. The court found Syargei Laveikin and Aleg Kaidaw guilty in taking off the flag on the 9th of April 1998. But they didn't receive any sentence as the case was expired though the state prosecutor asked the court to punish them for this. At the same time the court satis-fied the demand of the court to change the articles of the charges, from article 201 (part 2) on article 186². The court fined S.Laveikin 200 million roubles, A. Bliznyatsov – 20 million roubles.

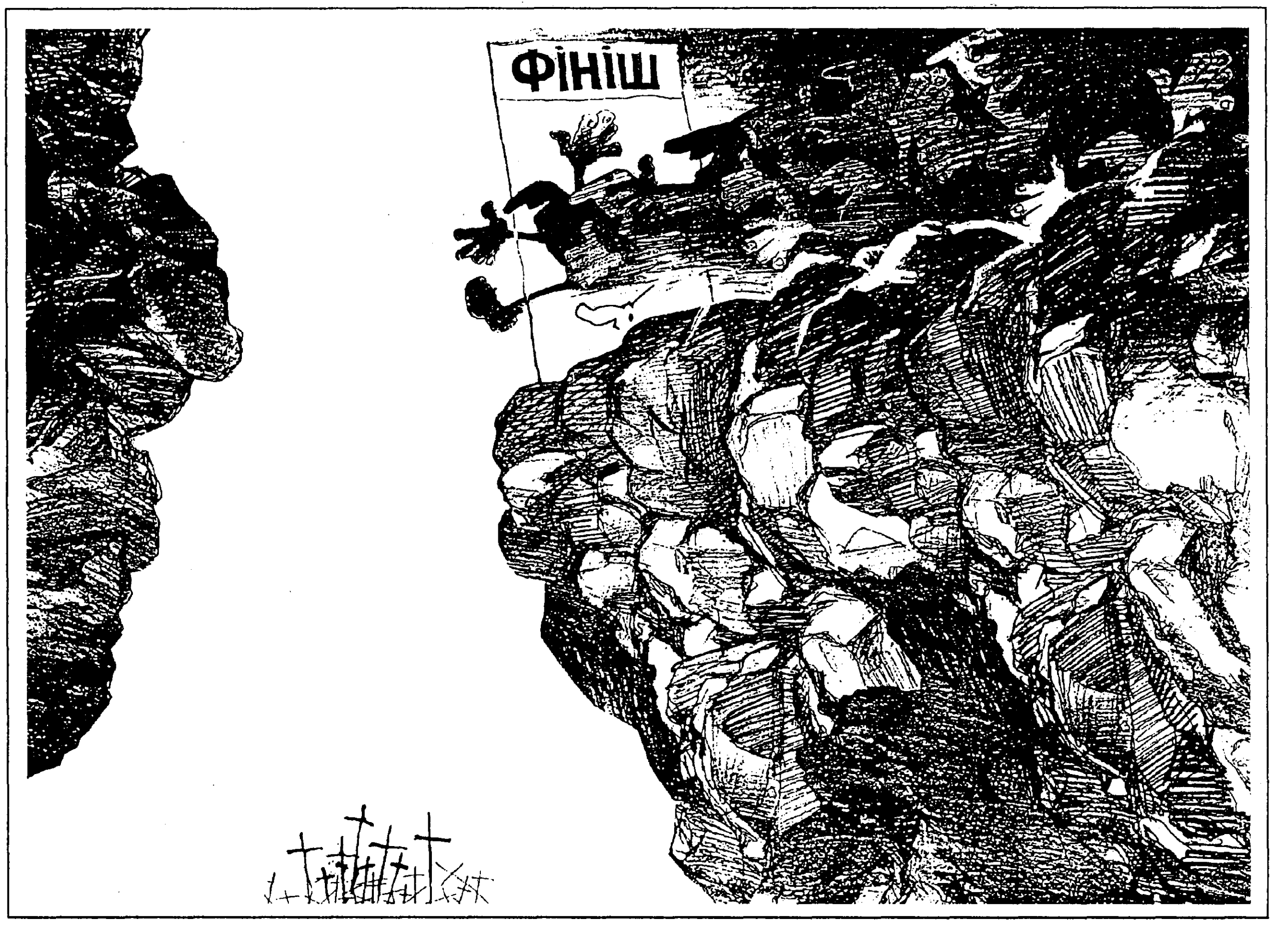
The only thing the authorities achie-ved by organising this process is the fact that they really scared the boys. The proof of it is that they refused to appeal against the decision of the court. Though they had reasons to do it. The maximum fine that they could receive according to the legislation was 86,5 million roubles for two years. They received fine that is almost two and a half times bigger. The violations are evident. Moreover the criminals are students and contract solder. They have no such money, their parents also have no money to pay the fine. But one can understand them. After everything they met in the justice institutions they have no hope for justice.

L.SAPRANETSKI, public defender, retired person of the Ministry of Internal Affairs

ALYAKSEI SHYDLOWSKI

EIGHTEEN MONTHS IN HELL

Immediately after the verdict, according to which I was given 18 months of the strict regime colony, I was deported to "Valadarka" again. The mood was awful. I was left all alone, without my friend, Vadzim Labkovitch, who had been given a suspended sentence. Moreover, I was put to cell 21 – to the cellar of the detention centre. It was a cell meant for 30 people in which there always were not less than 50. Daylight and fresh air never got there. Darkness, black walls and rotten smell in the air produced such an effect that many convicts just went mad. After a week of such conditions my body began to rot. To rot in the direct meaning of this word. On the body, especially on the feet small wounds appeared. They didn't close up and with time became deeper and bigger: a centimeter deep and the same long. The only aid were vitamins. But they were given only to the most ill – there were not enough of them. When all my right leg was covered with such wounds the administration of the detention centre transferred me to cell 94 which was on the 4th floor.



There was more light, more air and one could see the roof of the Red Church; but there were much more people – about 70 people for 24 places and, what is more, here I lost communication with Vadzim Kabanchuk. I exchanged letters and notes with him by means of the prison post. When at last I found a way to connect with his cell he turned out to have been released. After being transferred to cell 94 and till the end of my imprisonment I wasn't beaten any more.

On April 21 the rehearing of my case took place and the sentence was left unchanged which meant I was get prepared for the zone (colony).

On May 13 I was ordered to gather my things and be ready for the deporting. After spending a night in the "waiting cell" I was transferred to the UZ 15/1 – a zone of intensified regime which is in Kalvaryiskaya Street in Minsk.

Spring began behind the prison walls. Her Majesty Spring, my favourite season. In Staubtsy I used to miss classes walking in the spring town in blossom and enjoying myself... These memories tortured my soul.

Spring awoke the man's nature in me: during the nights (there were 3 people for each plank-bed in the cell, so we slept for 8 hours in turn) I dreamed girls: known and unknown, blond and brunettes...

After such dreams, awoken in the stuffy cell I had to return to severe reality. I felt I was going mad. My cell-mates lived their own lives. They drank chifir (very strong tea) and smoke cigarettes, boasted of "cool trials" and exchanged letters with women from the women's department... I only could find some consolation in playing chess, nards and poker: I spent about 8 hours each day at it. I noticed that my cell-mates were prepared rather well to the zone. They had full pockets of tea, cigarettes, soap, toilet paper and so on. Not to lag behind I arranged several non-legal parcels with such things and put them in my bag and didn't regret about it. A full bag of tea and cigarettes in prison means the same as a case of dollars behind the prison walls. The most valued here are the cigarettes "LM" and Indian leaf tea.

V. IN THE "RED-ZONE"

UZ 15/1 is a "red-zone". It means it has different observances from the rest of zones. As in Zhodzina detention centre the power here is in the hands of administration. There are no criminals in it but a lot of informers. Militia men who have committed crimes are brought to the red-zone and they serve their sentences here. At the same time the zone is an exemplary one. Conditions and food are a little better here because it is often visited by different checking commissions: from the regional sanitary station to the OSCE representatives. Why was I directed to this zone? The answer is simple: here I was under full control of the administration because several informers kept an eye on me. Uladzimir Kudzinaw was here for the same reason. And it can be surely said that in case of conviction Andrey Klimaw and Mikhail Chygir would be directed here as well.

It stands to reason, I didn't know all these peculiarities at first and the first shock awaited for me in the "quarantine" (a special hut meant for convicts before they are distributed to their cells). When one of the prisoners announced he wanted to be the second in the hierarchy he was immediately put into the isolator for 15 days. As I learned later, such prisoners can be held there for half a year and if they don't refuse to claim the same 2 years can be added to their sentence and they can go to the zone of intensified regime.

On May 20 I was transferred to detachment 21. Where I was till my term was over. Before being deported I sent a letter to the newspaper "Narodnaya Volya" where I confirmed I hadn't broken and was ready to continue the struggle. Which is strange, the latter passed the censorship and on May 28, 1998 was published on the front page. After that I faced real problem. Next day I was called ten times to the officer Victar Alyakseevich and to Yuri Vasilievich Zhogal, the deputy chief, for "educational" conversations. The "conversations" took place next days too, it wasn't once when I had to miss meals because of them.

During these "talks" they tried to persuade me that the President was not so bad, the opposition were maniacs and they used me for their purposes. It is interesting that they seemed to believe what they were saying. After conversations they let me go, exhausted, to start them again in the morning.

(To be continued)

(Continuation. Beginning in №№ 31-34, 36-38)

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